UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/52/L.75
21 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (c)

HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Draft resolution submitted by the Chairman

Situation of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[3] and the Additional Protocols thereto, of 1977,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[4] Ibid., vol. 1125, Nos. 17512 and 17513.

[5] Resolution 260 A (III).

Degrading Treatment or Punishment[6] and the Convention on the Rights of the Child,[7] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[8]

Recalling all its relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Recalling the deep concern expressed by the Security Council at the continuing discrimination against girls and women and other violations of human rights, as well as violations of international humanitarian law in Afghanistan,[9]

Welcoming the special emphasis that the United Nations Special Mission to Afghanistan has placed on human rights issues in its discussions with all the Afghan parties,

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[10] and of the conclusions and recommendations contained therein;

2. Takes note with deep concern of the intensification of armed hostilities in Afghanistan, which have resulted in the destruction of houses and in forced evictions, including on the ground of ethnicity, and calls upon all parties involved immediately to cease such hostilities and to engage in a political dialogue aimed at achieving national reconciliation and the voluntary return of displaced persons to their homes in safety and dignity;

3. Also takes note with deep concern of the ongoing further deterioration of the situation of human rights in Afghanistan, including the situation of women, as reported by the Special Rapporteur, and condemns the violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement;

4. Expresses in particular its deep concern at the frequent practice of arbitrary arrest and detention and summary trials throughout the country, which have resulted in summary executions, as well as the application of forms of punishment prohibited under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

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[6] Resolution 39/46, annex.

[7] Resolution 44/25, annex.

[8] Resolution 34/180, annex.

[9] S/PRST/1997/35.

[10] A/52/493, annex.

5. Calls upon all the Afghan parties to fully respect all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

6. Urges all the Afghan parties to bring an end without delay to discrimination on the basis of gender and the deprivation of human rights of women, and in particular to take measures to ensure:

(a) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(b) Respect for the right of women to work, and their reintegration in employment;

(c) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(d) Respect for the right of women to security of person, and to ensure that those responsible for physical attacks on women are brought to justice;

(e) Respect for freedom of movement of women and their effective access to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;

(f) Equal access of women to health facilities;

7. Urges all the Afghan parties to work closely and cooperate with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the establishment of a democratic Government elected through free and fair elections, based on the right to self-determination of the people of Afghanistan;

8. Urges all the Afghan parties to ensure that United Nations programmes are carried out without discrimination against women as participants or as beneficiaries;

9. Demands that all the Afghan parties fulfil their obligations and commitments regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as of their premises in Afghanistan, and that they cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies;

10. Urges all the Afghan parties to provide efficient and effective remedies to the victims of grave violations of human rights and of accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

11. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the

crisis in Afghanistan and therefore invites the Special Mission and the Special Rapporteur to exchange relevant information and to strengthen their mutual consultation and cooperation;

12. Urges all the Afghan parties to respect fully international humanitarian law and to protect civilians, to halt the use of weapons against the civilian population, to refrain from storing munitions in residential areas, to prohibit the drafting and recruitment of children as para-combatants, to ensure their reintegration into society and to stop the practice of using people as human shields;

13. Invites all the Afghan parties to support the International Committee of the Red Cross, in particular by providing access to all prisoners, and to release all non-criminal civilian prisoners;

14. Expresses its deep concern at the report that, despite continuing demining programmes by the international community, new landmines have been laid, and appeals to all parties to stop deploying such devices which kill or maim hundreds of people every week, mostly innocent and defenceless civilians, especially children;

15. Urges all States to respect the full national unity, sovereignty and territorial integrity of Afghanistan;

16. Appeals to Member States and to the international community to provide, on a non-discriminatory basis, adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in neighbouring countries pending, and with a view to encouraging, their voluntary repatriation, and requests all the parties in Afghanistan to lift the restrictions imposed on the international aid community and allow the free transit of food and medical supplies to all populations of the country;

17. Expresses its deep concern at reports of the deterioration of the Afghanistan cultural heritage and notes that all the parties share the historical responsibility to protect and safeguard this common heritage, and requests Member States to take appropriate measures to prevent the looting of cultural artifacts and ensure their return to Afghanistan;

18. Urges all the Afghan parties to extend their cooperation to the Commission on Human Rights and its Special Rapporteur;

19. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

20. Decides to keep the situation of human rights in Afghanistan under consideration at its fifty-third session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.